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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,623	01/09/2002	Michael Blocher	GER8707	4371
7590 07/29/2004				
MILES & STOCKBRIDGE P.C. 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22101			EXAMINER	
			HONG, JOHN C	
			ART UNIT	PAPER NUMBER
			3726	
DATE MAILED: 07/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/042,623	Applicant(s) BLOCHER ET AL.	
	Examiner John C. Hong	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5, 7, 8, 10-13 and 17-28 is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 14 is/are rejected.
- 7) ☒ Claim(s) 15, 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of JP62179825.

AAPA as found on page 1, lines 6-19 of the specification, discloses :

Regarding Claim 1, A method of operating on a workpiece (6) comprising the steps of:
while the counterforce structure (9) carries the workpiece (6)
deforming a C-shaped counterforce structure (9) with a sufficiently large force;

Regarding Claim 6 , A method of riveting a workpiece (6) comprising the steps of:
deforming a C-shaped counterforce structure (9) with a sufficiently large force,
while the counterforce structure (9) carries the workpiece (6);

and Regarding Claim 14, A method of piercing a workpiece (6) carried on a C-shaped counterforce structure (9) comprising the steps of:

deforming a C-shaped counterforce structure (9) with a sufficiently large force,
while the counterforce structure (9) carries the workpiece (6).

But AAPA fails to teach the steps of: measuring the deformation of the C-shaped

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counterforce structure (9); and correcting the force of the operation to a predetermined amount to produce a uniform result responsive to the extent of the deformation (Regarding Claim 14, correcting the force of the piercing to a predetermined amount to produce a uniform result responsive to the extent of the deformation).

'825 teaches the step of measuring the deformation of a pad (14) (the C-shaped counterforce structure); and correcting the force of the operation to a predetermined amount to produce a uniform result responsive to the extent of the deformation (Abstract; Figs. 4-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ the step of '825 on the method of AAPA, so as to perform the clearance adjustment of the metal die quickly and accurately.

Allowable Subject Matter

3. Claims 2-5,7,8,10-13,17-28 are allowed.
4. Claims 15,16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 5/25/04 have been fully considered but they are not persuasive.

Applicant argued that The Japanese reference '825 is not concerned with deforming a counterforce structure carrying a workpiece and does not measure the deformation of such a structure, as clearly recited in the Japanese reference, a pressure-

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responsive pad is added to a workpiece and is used to measure clearance between metal dies. The Japanese reference is not concerned with the problem addressed by Applicants' invention and does not teach or suggest Applicants' solution to that problem.

But '825 mentioned in the Translation, "the purpose of the invention is to perform the clearance adjustment of the metal die (i.e. correcting the force of the operation <claim 1> or setting a uniform depth of the operation <claim 2>) quickly and accurately by finding the deformation of the pad due to the pressure by pressing the work, ... by measuring the deforming quantity or projecting quantity of the pad 14 due to the pressing."

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 703-305-0779. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1784. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'JCH', with a stylized flourish at the end.

John C. Hong
Primary Examiner
Art Unit 3726
